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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	
U.S. PATENT & TRADEMARK OFFICE NOV 22 2004	
Total Number of Pages in This Submission	

Application Number	10/797,910
Filing Date	March 9, 2004
First Named Inventor	MICHLITSCH, KENNETH J.
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	021496-000600US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard PTO/SB/08A & PTO/SB/08B 59 Reference Copies
Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Townsend and Townsend and Crew LLP James M. Heslin	
Signature		
Date	November 4, 2004	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Tiffany Wu		
Signature		Date	November 5, 2004

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PATENT
Attorney Docket No.: 021496-000600US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On 11/5/04

TOWNSEND and TOWNSEND and CREW LLP

Tiffany Wu



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

KENNETH J. MICHLITSCH et al.

Application No.: 10/797,910

Filed: March 9, 2004

For: APPARATUS AND METHODS
FOR MAPPING OUT ENDOLUMINAL
GASTROINTESTINAL SURGERY

Examiner: Unassigned

Art Unit: Unassigned

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the foreign patent documents and non patent literature references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

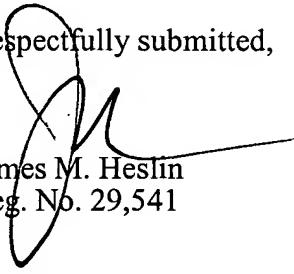
As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,


James M. Heslin
Reg. No. 29,541

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60348713 v1

Substitute for form 1449A/PTO



INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet	1	of	13	Complete if Known
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Art Unit	Unassigned
Examiner Name	Unassigned

Attorney Docket Number 021496-000600US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where 'Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	1	616,672	12-27-1898	Kelling	
	2	1,814,791	05-04-1928	Endo et al.	
	3	2,201,610	05-21-1940	Dawson, Jr.	
	4	2,413,142	12-24-1945	Jones et al.	
	5	2,510,198	06-06-1950	Tesmer	
	6	2,533,494	12-12-1950	Mitchell, Jr.	
	7	3,060,972	10-30-1962	Sheldon	
	8	3,096,962	07-09-1963	Meijs	
	9	3,150,379	09-29-1964	Brown	
	10	3,162,214	12-22-1964	Bazinet, Jr.	
	11	3,166,072	01-19-1965	Sullivan, Jr.	
	12	3,168,274	02-02-1965	Street	
	13	3,430,662	03-04-1969	Guarnaschelli	
	14	3,494,006	02-10-1970	Brumlik	
	15	3,546,961	12-15-1970	Marton	
	16	3,551,987	01-05-1971	Wilkinson	
	17	3,646,615	03-07-1972	Ness	
	18	3,664,345	05-23-1972	Dabbs et al.	
	19	3,753,438	08-21-1973	Wood et al.	
	20	3,858,578	01-07-1975	Milo	
	21	3,867,944	02-25-1975	Samuels	
	22	3,874,388	04-01-1975	King et al.	
	23	3,910,281	10-07-1975	Kletschka et al.	
	24	3,913,565	10-21-1975	Kawahara	
	25	3,974,834	08-17-1976	Kane	
	26	3,976,079	08-24-1976	Samuels et al.	
	27	4,007,743	02-15-1977	Blake	
	28	4,054,128	10-18-1977	Seufert et al.	
	29	4,060,089	11-29-1977	Noiles	
	30	4,069,825	01-24-1978	Akiyama	
	31	4,245,624	01-20-1981	Komiya	
	32	4,366,810	01-04-1983	Slanetz, Jr.	
	33	4,367,746	01-11-1983	Derechinsky	
	34	4,414,720	11-15-1983	Crooms	
	35	4,462,402	07-31-1984	Burgio	
	36	4,494,531	01-22-1985	Gianturco	
	37	4,532,926	08-06-1985	O'Holla	
	38	4,534,350	08-13-1985	Golden et al.	
	39	4,548,202	10-22-1985	Duncan	
	40	4,586,503	05-06-1986	Kirsh et al.	
	41	4,592,339	06-03-1986	Kumak et al.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST-3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST-16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

60348713 v1

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				Attorney Docket Number	021496-000600US

U.S. PATENT DOCUMENTS+					
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	42	4,592,356	06-03-1986	Gutierrez	
	43	4,595,007	06-17-1986	Mericle	
	44	4,610,250	09-09-1986	Green	
	45	4,648,733	03-10-1987	Merkt	
	46	4,655,257	04-07-1987	Iwashita	
	47	4,669,473	06-02-1987	Richards et al.	
	48	4,705,040	11-10-1987	Mueller et al.	
	49	4,711,002	12-08-1987	Kreeger	
	50	4,724,840	02-16-1988	McVay et al.	
	51	4,750,492	06-14-1988	Jacobs et al.	
	52	4,765,335	08-23-1988	Schmidt et al.	
	53	4,832,055	05-23-1989	Palestrant	
	54	4,841,888	06-27-1989	Mills et al.	
	55	4,873,976	10-17-1989	Schreiber	
	56	4,890,615	01-02-1990	Caspari et al.	
	57	4,923,461	05-08-1990	Caspari et al.	
	58	4,929,240	05-29-1990	Kirsh et al.	
	59	4,949,927	08-21-1990	Madocks et al.	
	60	4,957,498	09-18-1990	Caspari et al.	
	61	5,032,127	07-16-1991	Frazee et al.	
	62	5,035,692	07-30-1991	Lyon et al.	
	63	5,037,433	08-06-1991	Wilk et al.	
	64	5,041,129	08-20-1991	Hayhurst et al.	
	65	5,059,201	10-22-1991	Asnis	
	66	5,088,979	02-18-1992	Filipi et al.	
	67	5,100,418	03-31-1992	Yoon et al.	
	68	5,108,420	04-28-1992	Marks	
	69	5,122,136	06-16-1992	Gugliemi et al.	
	70	5,123,914	06-23-1992	Cope	
	71	5,201,746	04-13-1993	Shichman	
	72	5,203,864	04-20-1993	Phillips	
	73	5,217,471	06-08-1993	Burkhart	
	74	5,217,473	06-08-1993	Yoon	
	75	5,222,508	06-29-1993	Contarini	
	76	5,222,961	06-29-1993	Nakao et al.	
	77	5,222,963	06-29-1993	Brinkerhoff et al.	
	78	5,224,946	07-06-1993	Hayhurst et al.	
	79	5,234,430	08-10-1993	Huebner	
	80	5,234,445	08-10-1993	Walker et al.	
	81	5,250,053	10-05-1993	Snyder	
	82	5,251,611	10-12-1993	Zehel et al.	

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Sheet	3	of	13	Attorney Docket Number	021496-000600US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	83	5,254,126	10-19-1993	Filipi et al.	
	84	5,261,916	11-16-1993	Engelson	
	85	5,268,001	12-07-1993	Nicholson et al.	
	86	5,282,827	02-01-1994	Kensey et al.	
	87	5,284,488	02-08-1994	Sideris	
	88	5,289,817	03-01-1994	Williams et al.	
	89	5,300,065	04-05-1994	Anderson	
	90	5,304,184	04-19-1994	Hathaway et al.	
	91	5,304,195	04-19-1994	Twyford, Jr. et al.	
	92	5,304,204	04-19-1994	Bregen	
	93	5,316,543	05-31-1994	Eberbach	
	94	5,327,914	07-12-1994	Shlain	
	95	5,330,503	07-19-1994	Yoon	
	96	5,334,217	08-02-1994	Das	
	97	5,336,222	08-09-1994	Durgin, Jr. et al.	
	98	5,336,227	08-09-1994	Nakao et al.	
	99	5,337,732	08-16-1994	Grundfest et al.	
	100	5,337,733	08-16-1994	Bauerfeind et al.	
	101	5,342,376	08-30-1994	Ruff	
	102	5,345,949	09-13-1994	Shlain	
	103	5,348,259	09-20-1994	Blanco et al.	
	104	5,354,298	10-11-1994	Lee et al.	
	105	5,366,459	11-22-1994	Yoon	
	106	5,366,479	11-22-1994	McGarry et al.	
	107	5,372,146	12-13-1994	Branch	
	108	5,372,604	12-13-1994	Trott	
	109	5,374,275	12-20-1994	Bradley et al.	
	110	5,380,334	01-10-1995	Torrie et al.	
	111	5,382,231	01-17-1995	Shlain	
	112	5,395,030	03-07-1995	Kuramoto et al.	
	113	5,403,326	04-04-1995	Harrison et al.	
	114	5,403,329	04-04-1995	Hinchcliffe	
	115	5,417,691	05-23-1995	Hayhurst et al.	
	116	5,417,699	05-23-1995	Klein et al.	
	117	5,425,744	06-20-1995	Fagan et al.	
	118	5,429,583	07-04-1995	Paulus et al.	
	119	5,429,598	07-04-1995	Waxman et al.	
	120	5,431,666	07-11-1995	Sauer et al.	
	121	5,433,721	07-18-1995	Hooven et al.	
	122	5,433,727	07-18-1995	Sideris	
	123	5,437,266	08-01-1995	McPherson et al.	

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	124	5,437,680	08-01-1995	Yoon	
	125	5,437,681	08-01-1995	Meade et al.	
	126	5,445,167	08-29-1995	Yoon et al.	
	127	5,458,609	10-17-1995	Gordon et al.	
	128	5,462,560	10-31-1995	Stevens	
	129	5,462,561	10-31-1995	Voda	
	130	5,465,894	11-14-1995	Clark et al.	
	131	5,470,337	11-28-1995	Moss	
	132	5,470,338	11-28-1995	Whitfield et al.	
	133	5,476,470	12-19-1995	Fitzgibbons, Jr.	
	134	5,478,354	12-26-1995	Tovey et al.	
	135	5,480,405	01-02-1996	Yoon	
	136	5,496,332	03-05-1996	Sierra et al.	
	137	5,496,334	03-05-1996	Klundt et al.	
	138	5,499,991	03-19-1996	Garman et al.	
	139	5,501,691	03-26-1996	Goldrath	
	140	5,507,811	04-16-1996	Koike et al.	
	141	5,520,691	05-28-1996	Branch	
	142	5,520,701	05-28-1996	Lerch	
	143	5,522,843	06-04-1996	Zang	
	144	5,527,321	06-18-1996	Hinchliffe	
	145	5,527,322	06-18-1996	Klein et al.	
	146	5,527,342	06-18-1996	Pietrzak et al.	
	147	5,531,759	07-02-1996	Kensey et al.	
	148	5,531,788	07-02-1996	Dibie et al.	
	149	5,535,759	07-16-1996	Wilk	
	150	5,540,704	07-30-1996	Gordon et al.	
	151	5,549,621	08-27-1996	Bessler et al.	
	152	5,558,665	09-24-1996	Kieturakis	
	153	5,562,684	10-08-1996	Kammerer	
	154	5,562,686	10-08-1996	Sauer et al.	
	155	5,562,688	10-08-1996	Riza	
	156	5,569,274	10-29-1996	Rapacki et al.	
	157	5,569,306	10-29-1996	Thal	
	158	5,571,116	11-05-1996	Bolanos et al.	
	159	5,571,119	11-05-1996	Atala	
	160	5,573,496	11-12-1996	McPherson et al.	
	161	5,573,540	11-12-1996	Yoon	
	162	5,573,548	11-12-1996	Nazre et al.	
	163	5,578,045	11-26-1996	Das	
	164	5,582,616	12-10-1996	Bolduc et al.	

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	165	5,584,835	12-17-1996	Greenfield	
	166	5,584,859	12-17-1996	Brotz	
	167	5,601,557	02-11-1997	Hayhurst	
	168	5,603,718	02-18-1997	Xu	
	169	5,613,974	03-25-1997	Andreas et al.	
	170	5,613,975	03-25-1997	Christy	
	171	5,624,381	04-29-1997	Kieturakis	
	172	5,626,588	05-06-1997	Sauer et al.	
	173	5,626,614	05-06-1997	Hart	
	174	5,630,540	05-20-1997	Blewett	
	175	5,632,752	05-27-1997	Buelna	
	176	5,643,274	07-01-1997	Sander et al.	
	177	5,643,295	07-01-1997	Yoon	
	178	5,643,317	07-01-1997	Pavcnik et al.	
	179	5,643,320	07-01-1997	Lower et al.	
	180	5,651,788	07-29-1997	Fleischer et al.	
	181	5,658,312	08-19-1997	Green et al.	
	182	5,658,313	08-19-1997	Thal	
	183	5,662,587	09-02-1997	Grundfest et al.	
	184	5,662,662	09-02-1997	Bishop et al.	
	185	5,662,663	09-02-1997	Shallman	
	186	5,665,109	09-09-1997	Yoon	
	187	5,665,112	09-09-1997	Thal	
	188	5,667,513	09-16-1997	Torrie et al.	
	189	5,676,674	10-14-1997	Bolanos et al.	
	190	5,679,005	10-21-1997	Einstein	
	191	5,683,417	11-04-1997	Cooper	
	192	5,683,419	11-04-1997	Thal	
	193	5,690,655	11-25-1997	Hart et al.	
	194	5,693,060	12-02-1997	Martin	
	195	5,700,273	12-23-1997	Buelna et al.	
	196	5,702,421	12-30-1997	Schneidt	
	197	5,707,394	01-13-1998	Miller et al.	
	198	5,709,708	01-20-1998	Thal	
	199	5,713,903	02-03-1998	Sander et al.	
	200	5,720,765	02-24-1998	Thal	
	201	5,724,978	03-10-1998	Tenhoff	
	202	5,725,552	03-10-1998	Kotula et al.	
	203	5,732,707	03-31-1998	Widder et al.	
	204	5,741,297	04-21-1998	Simon	
	205	5,749,828	05-12-1998	Solomon et al.	

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			021496-000600US	

U.S. PATENT DOCUMENTS+					
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				Application Number	10/797,910
				Filing Date	March 9, 2004
				First Named Inventor	MICHLITSCH, KENNETH J.
				Art Unit	Unassigned
				Examiner Name	Unassigned
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT					
(use as many sheets as necessary)					
Sheet	8	of	13		
				Application Number	10/797,910
				Filing Date	March 9, 2004
				First Named Inventor	MICHLITSCH, KENNETH J.
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				Attorney Docket Number	021496-000600US

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/797,910
(use as many sheets as necessary)				Filing Date	March 9, 2004
Sheet	9	of	13	First Named Inventor	MICHLITSCH, KENNETH J.
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437	WO	92/04870	A1	04-02-1992	Mills et al.		<input type="checkbox"/>
438	WO	95/19140	A1	07-20-1995	Meade et al.		<input type="checkbox"/>
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Examiner Signature	Date Considered
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Substitute for form 1449A/PTO				<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	10/797,910
Sheet	12	of	13	Filing Date	March 9, 2004
				First Named Inventor	MICHLITSCH, KENNETH J.
				Art Unit	Unassigned
				Examiner Name	Unassigned
				Attorney Docket Number	021496-000600US

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)		
	445	WO	00/57796	A1	10-05-2000	Rosenblatt
	446	WO	00/78227	A1	12-28-2000	Laufer et al.
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	448	WO	01/21246	A1	03-26-2001	Matsuura et al.
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	452	WO	01/70097	A1	09-27-2001	Butler
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	471	WO	2004/019787	A2	03-11-2004	Devries et al.
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	473	WO	2004/021865	A2	03-18-2004	Zirps et al.
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	476	WO	2004/021873	A2	03-18-2004	Aznoian et al.
	477	WO	2004/021894	A1	03-18-2004	Stone
	478	WO	2004/049905	A2	06-17-2004	Tartaglia et al.
	479	WO	2004/071284	A1	08-26-2004	Mikkaichi et al.
	480	WO	2004/075787	A1	09-10-2004	Beulke et al.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT				<i>Application Number</i>	10/797,910
(use as many sheets as necessary)				<i>Filing Date</i>	March 9, 2004
				<i>First Named Inventor</i>	MICHLITSCH, KENNETH J.
				<i>Art Unit</i>	Unassigned
				<i>Examiner Name</i>	Unassigned
Sheet	13	of	13	<i>Attorney Docket Number</i>	021496-000600US

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ²
	481	ANGIOLINK, The Expanding Vascular Staple [brochure], 1 page total.		
	482	BLUETT et al., "Experimental Evaluation of Staple Lines in Gastric Surgery," <i>Arch. Surg.</i> , vol. 122, July 1987, pp. 772-776.		
	483	BROLIN et al., "Experimental Evaluation of Techniques of Gastric Partitioning for Morbid Obesity", <i>Surgery, Gynecology & Obstetrics</i> , vol. 153, Dec. 1981, pp. 878-882		
	484	JOHNSTON et al. "The Magenstrasse and Mill Operation of Morbid Obesity", <i>Obesity Surgery</i> 13, 2003, pp. 10-16.		
	485	OKUDAIRA et al., "The Healing and Tensile Strength of the Gastroplasty Staple Line," <i>The American Surgeon</i> , Oct. 1984, pp.564-568.		
	486	SPIVAK, et al. "Endoluminal Surgery", <i>Surgical Endoscopy</i> , (1997) 11:321-325.		
	487	SURGICAL DYNAMICS INC., The S D sorb Meniscal Stapler [brochure] (1997), 3 pages total.		
	488	SUTURA, The Next Generation in Vascular Suturing Devices: SuperStitch [brochure], 2 pages total.		

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